

In re: Hoerner, et al.  
Serial No. 09/249,916

Remarks

The above amendments to the Specification are intended to address the informalities therein identified in paragraph 1 of the Office Action.

The claims were all rejected under Sections 112 and either Section 102 or 103. It is believed, however, that both the formal and substantive rejections are based on a misunderstanding of the phrase "held in place" as used in the claims, and as defined in the Specification. For the purposes of the 112 rejection, the Office Action stated that the recitation of the layers being movable relative to one another when they are "held in place" by the frame was interpreted to mean that the layers are relatively movable until such time as they become held in place by the frame. A similar interpretation was implied in making the substantive 102/103 rejections.

This interpretation is incorrect. As is clearly discussed in lines 3, et seq. on page 10 of the specification, the layers are always relatively movable even when "held in place" by the frame. The frame provides a structure for maintaining the layers in a relative orientation, while still providing for relative movement between them. As pointed out in the Specification on page 10, the fact that the layers are not mechanically fastened to each other or to the frame so as to allow this relative movement provides the advantageous feature of enhancing the panel's performance in variable temperature conditions. Since the layers of the panel are

In re: Hoerner, et al.  
Serial No. 09/249,916

formed of different material they have different rates of thermal expansion, and thus their ability to move relative to each other and to the frame prevents stresses from building up in the panel in temperature cycling conditions.

It is thus submitted that the term “held in place” found in independent claim 17 and the phrase “held by the frame” in independent claim 20 have been accurately and appropriately defined and explained in the Specification at page 10. This fact should obviate the 112 rejection. Similarly, the properly-interpreted phrases clearly distinguish these claims over the cited reference. As stated throughout the Shaner reference, and particularly in the abstract at line 6 “the polyurethane mechanically and chemically bonds to the skins made of polyvinyl chloride to create a strong connection thereto.” That is, the layers in the Shaner panel are mechanically and chemically connected together, thus obviating any possibility of relative movement there between. This is in direct distinction to the language in independent claims 17 and 20 providing for relative movement of the panel layers by virtue of being simply held in place by the frame as opposed to be mechanically connected to that frame or to each other.

#### Conclusion


Applicants respectfully submit that the above amendments and remarks answer the objections and rejections set forth in the Office Action and, therefore, support allowance of the requested claims.

In re: Hoerner, et al.  
Serial No. 09/249,916

If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney at (414) 362-0610.

Respectfully submitted,

RITE-HITE HOLDING CORPORATION

  
Matthew C. McNeill, Reg. No. 35,281  
Intellectual Property Counsel  
8900 North Arbon Drive  
P.O. Box 23043  
Milwaukee, WI 53223-0043  
(414) 362-0610

In re: Hoerner, et al.  
Serial No. 09/249,916

CERTIFICATE OF MAILING

I hereby certify that this OFFICE ACTION RESPONSE is being deposited with the  
United States Postal Service as first class mail in an envelope addressed to: Assistant  
Commissioner for Patents, Washington, D.C. 20231, on June 13, 2000.

13-JUN-00  
(date)

Matthew C. McKie